IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 25131 of 1999

Between:

T.Lakshmana Rao, ,S/o T. Veerayyaa, R/O V.ijayawada. .....PETITIONER

AND

1. The Commissioner, Excise and Prohibition, A.P., Hyderabad.
2. The Deputy Commissioner, Excise and Prohibition, Kakinada, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari to call for the records pertaining to the impugned proceedings of the 1st respondent in Cr.No.171/2141/DPE/99/B2 Dt.21-9-1999 and declare the same as illegal, arbitrary and violative of principles of natural justice and consequently set aside the confiscation of the vehicle bearing Reg.No.AP-16-W-465 made in Rc.No.B1/817/97 Dt.17-06-1998 of the 2nd respondent confirmed in Cr.No.171/2142/DOE/99/B2 Dt. 21-09-1999 and release the vehicle confiscated immediately.

Counsel for the Petitioner:MR.B.CHANDRA SHEKHAR

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court made the following :

THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO. 25131 OF 1999

ORDER:-

Heard both the learned counsel. Petitioner herein, who is the owner of the vehicle, which was involved in the commission of excise offence, filed this writ petition, inter alia, challenging the order of the respondents rejecting his claim for release of the vehicle.

Though several contentions have been urged across the Bar, it is now brought to the notice of this Court that the criminal case was ended in acquittal and having regard to the same, the petitioner is entitled to release of the vehicle without any conditions. Further, it is pointed out that in view of the interim order, the petitioner has given the bank guarantee of Rs.1,00,000/- which is still lying with the respondents.

Learned Government Pleader for Excise submits that as against the orders of this Court releasing of the vehicle, the matter is pending before the Supreme Court and the orders of this Court have already been stayed by the Supreme Court. Having regard to the same, I find no justification to entertain the request of the petitioner herein.

The writ petition is accordingly dismissed with a liberty to the petitioner to file an application before the authority concerned soon after the disposal of the case before the Supreme Court. No costs.

4—08—2004.

Stv/-

To

1.The Commissioner, Excise and Prohibition, A.P., Hyderabad.

2. The Deputy Commissioner, Excise and Prohibition, Kakinada,
East Godavari District.

3.2 CCs to the G.P. for Prohibition and Excise, High Court Buildings, Hyderabad.
(OUT).

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